

Bereskin & Parr

INTELLECTUAL PROPERTY LAW

Appl. No. : 10/715,548 Confirmation No.: 5852
Applicant : Edward M. Sellers et al.
Filed : November 19, 2003
Title : USE OF CYP2A6 INHIBITORS FOR REGULATING NICOTINE METABOLISM
TC./A.U. : 1614
Examiner : Donna Jagoe

Docket No. : 10251-49
Customer No. : 001059

FILED ELECTRONICALLY

Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

October 18, 2007

PETITION UNDER 37 C. F. R. § 1.117 (h)

Sir:

This is a Petition to request a withdrawal of the Response and Amendment that was erroneously submitted by facsimile to the Patent Office on September 28, 2007. The Petition Fee (\$130.00) required pursuant to 37 C.F.R. § 1.17 (h) is to be withdrawn from our deposit account number 022095.

The Response and Amendment sent by facsimile to the Patent Office on September 28, 2007 was erroneously sent to the central facsimile number. The Applicants intended to send a preliminary copy of a draft Response for discussion purposes only to the Examiner. This is evident by the draft cover letter that was sent with the Response as well as the notation on the top of each page of the Response indicating that it was in draft form. The Applicants have further not paid the appropriate extension of time fees.

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The Applicants intend to file a revised Response to the outstanding Office Action before the final due date of November 4, 2007 and therefore request that the paper filed on September 28, 2007 be withdrawn and not considered by the Examiner.

Consideration of this request is respectfully requested.

Respectfully submitted,

BERESKIN & PARR

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